

#65909-3-104  
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Attorneys for Defendants, CITY OF GILROY, POLICE CHIEF DENISE TURNER, CAPTAIN SCOT SMITHEE, OFFICER RODRIGUEZ, SERGEANT WES STANFORD, OFFICER JAQUEZ, OFFICER HEATH

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

The parties have conducted extensive discovery in this case, and such discovery is ongoing. The parties have also repeatedly met and conferred with regard to discovery, through their counsel, including expert discovery. There is no trial date yet set in this matter, though there is a deadline for filing of dispositive motions at the end of August, 2010, and a Preliminary Pretrial Conference with Judge Ware, set for Monday, June 28, 2010. Regular, non-expert discovery is still ongoing, but will not conclude until as late as August 2, 2010, based upon Judge Ware's

1 Scheduling Order, dated June 30, 2009. Since experts base their  
2 opinions, in part, upon evidence obtained via non-expert discovery,  
3 which will not be concluded until August 2, 2010, counsel have  
4 agreed that the Disclosure of Expert Witnesses, slated for this  
5 month, is somewhat premature for this case.

6 IT IS THEREBY STIPULATED, BY AND BETWEEN THE PARTIES, that the  
7 Disclosure of Expert Witnesses, current scheduled for May 31, 2010,  
8 shall be continued thirty (30) days, to June 30, 2010. The parties  
9 further stipulate to a thirty (30) day continuance to the exchange  
10 and lodging of any and all required expert reports (Fed. R. Civ. P.  
11 26(a)(2)(B)).

12 All remaining dates and deadlines (e.g., rebuttal experts and  
13 objection to experts' qualifications), including the date of the  
14 June 28, 2010 Preliminary Pretrial Conference with Judge Ware,  
15 shall remain unchanged from the Scheduling Order dated June 30,  
16 2009.

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18 Date: May 26, 2010 CASPER, MEADOWS, SCHWARTZ & COOK

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/s/  
BY: ANDREW C. SCHWARTZ  
Attorneys for Plaintiffs,  
ESTATE OF GURMIT SINGH, et al.

Date: May 26, 2010 BURTON, SCHMAL & DiBENEDETTO, LLP

/s/  
BY: TIMOTHY J. SCHMAL  
Attorneys for CITY OF GILROY, POLICE  
CHIEF DENISE TURNER, CAPTAIN SCOT  
SMITHEE, OFFICER RODRIGUEZ, SERGEANT  
WES STANFORD, OFFICER JAQUEZ,  
OFFICER HEATH.

## **ORDER**

The Disclosure of Expert Witnesses, current scheduled for May 31, 2010, including the exchange and lodging of any and all required expert reports (Fed. R. Civ. P. 26(a)(2)(B)), shall be continued thirty (30) days, to June 30, 2010.

IT IS SO ORDERED.

Date: June 3, 2010

THE HONORABLE JAMES WARE,  
JUDGE OF THE U.S. DISTRICT COURT.